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Congress Creating 2 Units For Iran-Contras Probe

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House and Senate leaders agreed yesterday to form separate Watergate-style select committees to investigate the secret sale of arms to Iran and subsequent diversion of profits to the Nicaraguan contras.

The two investigating committees are expected to be created as a first order of business when the 100th Congress convenes Jan. 6, congressional leaders said.

The announcement of the special committees came as the Senate Select Committee on Intelligence completed a fourth day of closed hearings on the Iran arms operation, and the chairman of the committee, Sen. David F. Durenberger (R-Minn.), said the panel will expand the scope of its investigation.

Durenberger said the committee staff is issuing subpoenas around the country for documents on the Iran operation and that the committee's witness list "has expanded" and might soon include all senior officials on the National Security Council with the exception of President Reagan and Vice President Bush.

Potential witnesses could thus include White House chief of staff Donald T. Regan as well as top Cabinet officials.

Robert M. Gates, the deputy director of the Central Intelligence Agency, spent four hours before the intelligence committee yesterday.

Durenberger, expressing frustration at the refusal of two recently departed administration officials to testify before the committee this week, urged Reagan to give the intelligence panel the information it requires to fully understand the details of the Iranian-arms and contra-aid operations.

"I am just concerned about the fact that the country needs to put this behind it as soon as possible," said Durenberger. "The president is in the best position to do that at this point in time. Both on the Iran side and particularly on the side of the Central American connection, the president can find the answers to those questions far more readily than we can."

Vice Adm. John M. Poindexter, who resigned last week as Reagan's national security adviser, and Lt. Col. Oliver L. North, a key deputy to Poindexter, invoked their Fifth Amendment right against self-incrimination, refusing to answer questions from the committee.

Reagan yesterday defended the decisions by Poindexter and North to invoke the Fifth Amendment, saying, "It is not new or unusual; it's happened many times before, that when there is going to be an independent counsel starting an investigation, that individuals that have no access to files or papers or time for preparation for questions, have done just exactly the same thing, so that they then can be witnesses for the investigation."

Poindexter was given a farewell party at the White House yesterday.

The agreement to form the special investigating committees in the House and Senate followed days of dickering among congressional leaders over whether Congress should be called back into special session this month to create the committees or wait until January.

The two panels are to be created by separate resolutions in each chamber. The last such select investigating committee was a Senate panel created to probe the Watergate scandal under the leadership of the late Sen. Sam Ervin (D-N.C.).

Senate Majority Leader Robert J. Dole (R-Kan.) and Minority Leader Robert C. Byrd (D-W.Va.), who will replace Dole as majority leader when the Senate reconvenes in January under Democratic control, agreed yesterday on an 11-member committee of six Democrats and five Republicans, plus one nonvoting ex officio member from each party. They said they would announce the membership by Dec. 15.

Among those mentioned as a possible chairman are Sens. Daniel K. Inouye (D-Hawaii), the third-ranking Democratic leader, Howell Heflin (D-Ala.) and George J. Mitchell (D-Maine). Heflin and Mitchell are former judges.

"The rationale for the select committee is to centralize investigations and inquiries into the Iranian arms sales," said Dole. "The president, I and Sen. Byrd agree that overlapping inquiries by other Senate committees should be avoided."

The House will create a 15-member panel of nine Democrats and six Republicans to probe the arms sales affair, House Majority Leader James C. Wright Jr. (D-Tex.) and Minority Leader Robert H. Michel (R-Ill.) announced after a late-afternoon meeting of committee chairmen involved in earlier plans for separate investigations.

The two House leaders said the chairman and ranking minority members of the intelligence, Foreign Affairs, Armed Services, Government Operations and Judiciary committees, the five panels that have some jurisdiction over the arms sales controversy, are expected to be named to the select committee. Other members, along with the committee's chairman, will be named later, they indicated.

House committee leaders likely to be members of the select committee include Reps. Dante B. Fascell (D-Fla.), Les Aspin (D-Wis.), William L. Dickinson (R-Ala), William S. Broomfield (R-Mich.), Jack Brooks (D-Tex.), Frank Horton (R-N.Y.), Peter W. Rodino, Jr. (D-N.J.), Hamilton Fish Jr. (R-N.Y.) and Louis Stokes (D-Ohio).

Rep. Lee H. Hamilton (D-Ind.), outgoing chairman of the Permanent Select Committee on Intelligence, has been suggested by some House members as a likely chairman for the House panel, but Wright declined to indicate whom he might appoint.

Wright and Michel said the panel will spearhead all investigative activities for the House, developing a consolidated record that will include testimony to be taken next week by the Foreign Affairs and intelligence committees. Other House committees may continue investigations until the formation of the special panel, but the various chairmen have agreed to coordinate efforts.

The Senate intelligence committee yesterday took testimony from two other witnesses identified only as "intelligence types," in addition to CIA deputy director Gates. As has been true since it began deliberations on Monday, the committee closely guarded its discussions and senators declined comment on the substance of testimony on the foreign policy crisis.

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Gates, 42, is a career intelligence officer who was picked by CIA Director William J. Casey last spring to succeed John N. McMahon, who retired. During his confirmation hearings last April, Gates came across as a strong advocate of covert action abroad and a vigorous critic of leaks to the news media.

In addition to expanding the list of witnesses, Durenberger yesterday said the committee also has widened its search for relevant documents. "We have people flying around the country serving subpoenas for documents," he said.

Durenberger expressed confidence that the committee could overcome the lack of cooperation from Poindexter and North by talking to other witnesses and from fully exploring the paper trail. He predicted that the "bulk of data gathering could be accomplished by the end of next week" and that the committee could conclude its inquiry by Dec. 20.

The Associated Press quoted Durenberger as saying that his committee's preliminary investigation "indicates that [retired Air Force] Gen. [Richard] Secord is involved in this operation," and the Los Angeles Times reported that Secord has been called to testify before the panel.

Secord also has been linked to the air supply operation that shipped weapons and ammunition to the Nicaraguan contras.

Staff writer Tom Kenworthy contributed to this report.

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ASSOCIATED PRESS

Robert M. Gates, deputy CIA director, leaving Senate intelligence committee hearing, where he testified for four hours.

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